

Personnel

Payroll Regulations

**Sick Leave**

**POLICY:**

- .01 Sick leave is a discretionary grant the Laboratory provides to protect employees against loss of pay during a nonoccupational illness or disability or the illness or death of a member of an employee's immediate family, subject to the restrictions described below.

***NOTE:** For information on an occupational illness or injury, see [AM 316](#), Job-Incurred Illness or Injury Leave.*

Sick leave is not a part of wages or salary, and the unused balance is not paid on termination.

**USAGE:**

- .02 Sick leave may be taken for any of the following situations:
- Inability of the employee to render service because of illness, quarantine, or temporary disability (not job-incurred).
  - Outpatient medical, dental, eye, or prenatal appointment (travel time can be reported as sick leave if the travel and the appointment occur on the same workday).
  - Absence for *extended* illness.
  - Death or illness in the immediate family.
  - Death of someone outside the immediate family where the employee has a personal obligation for funeral attendance.
- NOTE:** The employee may have certain rights under the Family and Medical Leave Act (FMLA) of 1993. See [AM 327](#).*

**Restrictions**

- .03 The following restrictions apply to sick-leave usage:
- Sick leave cannot be used before it has been accrued and cannot be advanced.
  - Sick leave may not be used in the place of vacation; however, vacation may be substituted for sick leave.

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Sick leave may not be used for hours in excess of the employee's official work schedule. For a part-time nonexempt employee, if the combination of hours worked and sick-leave hours exceeds the hours appointed, the sick-leave hours are subtracted from the total so that the employee is paid only for the percentage of full-time hours shown on the Personnel Action (PA) form or for the actual hours worked, whichever is greater.

The employee may not take sick leave on a day when the employee is not scheduled to work.

### ELIGIBILITY:

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| <b>Regular Employees</b>               | .04 | Part-time employees and full-time employees appointed for 6 months or longer are eligible for sick leave.   |
| <b>Short-Term and Casual Employees</b> | .05 | Short-term and casual employees are not eligible to accrue or use sick leave, with the exception of cooperative education students who may be granted 6 days of sick leave at the end of each 6-month work phase. See <a href="#">AM 1105</a> .   |
|  | .06 | A full-time short- or limited-term employee whose initial appointment is extended begins to accrue sick leave at the time of the extension if the combined terms of the original appointment and all extensions equal or exceed the minimum length for leave accrual eligibility. If a short-term employee converts to a regular appointment without a break in service, the employee is credited with sick-leave accrual retroactive to the date of hire as a short-term employee. |

### SICK-LEAVE ACCRUAL:

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| <b>Full-Time Employees</b> | .07 | Full-time employees who accepted an employment offer <i>before</i> December 1, 1992, accrue sick leave at the rate of 12 hours per month. |
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- .08 Full-time employees who accepted an employment offer *on or after* December 1, 1992, accrue sick leave at the rate of 8 hours per month.
- Part-Time Employees**
- .09 Part-time employees are credited with sick leave as follows:
- Part-time exempt — 12 or 8 hours, as applicable, times the ratio of appointment percentage to full-time (credited on a monthly basis).
- Part-time nonexempt — 12 or 8 hours, as applicable, times the ratio of hours in pay status to full-time (credited on a biweekly basis).
- Maximum Accrual**
- .10 Sick leave may be accrued in unlimited amounts; see [.46](#).
- Exceptions**
- .11 The following are exceptions to the accrual rate:
- During the first month of employment, employees accrue sick leave at a rate proportionate to their time in pay status.
- If a part-time exempt employee or any full-time employee is in pay status less than half the workdays in a month (for example, because leave without pay was taken), no sick leave is accrued.
- CHARGING SICK LEAVE:**
- .12 Sick leave is charged against accruals in the following units:
- Full-time exempt — to the nearest half-day.
- Part-time exempt — to the nearest hour.
- Nonexempt — to the nearest quarter-hour.
- An employee who takes a day of sick leave is charged leave for the number of hours (excluding any overtime) he or she would have been scheduled to work that day, subject to the restrictions in [.03](#).
- NOTE:** For an exempt employee on a 9/80 work schedule, a half-day of sick leave equals 4.5 hours on a day when the employee is scheduled to work 9 hours and 4 hours on a day when the

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employee is scheduled to work 8 hours. Similarly, a full day is either 9 or 8 hours depending on the number of hours the employee was scheduled to work.

# NONOCCUPATIONAL ILLNESS OR DISABILITY:

## Notifying Group-Level Manager Supervisor

- .13 If an employee is unable to work because of illness or injury, the employee or a representative acceptable to the group-level manager must notify the group-level manager as early as possible each workday unless the employee and the group-level manager have reached an alternate agreement.

## Sick-Leave Approval

- .14 ***Less Than 5 Calendar Days*** — Group-level managers approve sick leave.
- .15 ***Five Calendar Days or More*** — An employee who is absent from work for 5 calendar days or more because of illness or disability must report to the Occupational Medicine Group (ESH-2) before returning to work. ESH-2 determines if the employee is sufficiently recovered to return to work. If the employee is still convalescing, ESH-2 determines the type and duration of any work restrictions, taking into consideration both the nature of the employee's job tasks and the recommendations of the employee's personal physician. See also [AM 117](#), *Employees with Temporary Disabilities*.

**NOTE:** Holidays, weekends, and scheduled days off are included for purposes of this paragraph. For example, if an employee takes sick leave Monday through Thursday, has a scheduled day off on Friday and returns to work the following Monday, the employee must report to ESH-2. ESH-2's determination of when an employee is required to report is final.

## Recording Sick Leave

- .16 Use the appropriate "S" code to record sick leave on the time and effort report. (See [Table 300.1](#), *Time Codes*.)

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| <b>Sick Leave on Extended Workweek</b>                       | .17 | If an employee assigned to an extended workweek becomes ill and the prognosis is for a recovery period of 1 week or more, the employee should be removed from extended workweek status.  |
| <b>Holiday During Sick Leave</b>                             | .18 | When a sick-leave period includes a holiday observed by the Laboratory, absence for that day is recorded as a holiday.   |
| <b>Proof of Illness</b>                                      | .19 | An employee may be required to submit satisfactory proof of any illness or disability, regardless of duration.   |
| <b>Misuse of Sick Leave</b>                                  | .20 | Group-level managers are responsible for monitoring sick-leave usage to prevent abuses and inequities. Group-level managers should discuss suspected misuse of sick leave with ESH-2 or the Staff Relations Group (HR-8) after first talking over the employee's use of sick leave with him or her. <i>See Fitness for Duty</i> , <a href="#">AM 903</a> . Employees who abuse sick leave are subject to disciplinary action, up to and including termination of employment.   |
| <b>ABSENCE FOR<br/>NONOCCUPATIONAL<br/>EXTENDED ILLNESS:</b> | .21 | When an employee's medical condition, as certified by a private physician and ESH-2, requires his or her absence from work for longer than 30 calendar days, the time away from work is considered an absence for extended illness. An employee whose medical condition causes such extended absences from work can use combinations of leave to cover the absence. <i>See also</i> <a href="#">AM 117</a> , <i>Employees with Temporary Disabilities</i> , and <a href="#">AM 327</a> , <i>Family and Medical Leave</i> . |
| <b>Responsibilities</b>                                      | .22 | <b>Employee</b> — It is the employee's responsibility to give the group-level manager reasonable notice of when the absence for extended illness will begin and of the estimated duration of the absence. The employee must inform the group-level manager of any changes in his or her medical condition that affect the employee's ability to report for work.   |

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The employee must provide ESH-2 with all written statements from his or her private physician about the condition that affects the employee's ability to work. As soon as the employee is able to return to work, he or she must notify the group-level manager.

- .23 **Group-Level Manager** — It is the group-level manager's responsibility to inform the employee of applicable sick-leave, vacation, and leave-without-pay policies; to approve the beginning and ending dates of the absence for extended illness after receiving a recommendation from ESH-2; to report the appropriate attendance for the employee; and to maintain contact with both the employee and ESH-2 about the length of the leave.
- .24 **ESH-2** — ESH-2 reviews the employee's medical records and the attending physician's statement. ESH-2 may require additional medical information to assist in determining medically justifiable effective dates for the absence before making a recommendation to the group-level manager of the effective dates for the absence for extended illness. (If the attending physician and ESH-2 evaluate the employee's situation differently, ESH-2's determination is final.)

### Procedures

- .25 **Planned Absence** — If an employee knows in advance that an absence for extended illness will be necessary, and the leave does not qualify for FMLA, the procedure is as follows:
1. The employee informs the group-level manager.
  2. The employee presents a statement to ESH-2 from the attending physician certifying that the employee should not work after a given date.
  3. ESH-2 reviews the statement and notifies the group-level manager of the ESH-2 recommendation. The employee begins a leave of the duration recommended by ESH-2. See also [.30](#).
- NOTE:** The employee should consult with a Benefits Specialist in the Compensation and Benefits Group (HR-1) when leave is coordinated with disability insurance, and HR-1

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informs the employee's group-level manager about the arrangements.

- .26 ***Unplanned Absence*** — If the absence is a result of an unexpected medical condition that makes prior approval impossible, the group-level manager should contact ESH-2 as soon as possible for medical justification and approval for the absence. For ESH-2 to be able to justify and approve, the employee or the attending physician must supply the necessary medical information about the employee's condition. If the absence was initially charged to vacation or leave without pay, the ESH-2 Group Leader may authorize the employee's group-level manager to change the absence to sick leave.
- .27 ***Return to Work*** — The following steps must be completed before an employee may return to work:
1. The employee must present, to ESH-2, a statement from the attending physician certifying that the employee is medically able to return to work and outlining the nature and probable duration of any work restrictions.
  2. ESH-2 reviews the statement and notifies the group-level manager of the approval to return to work and of the nature and probable duration of any work restrictions.

### Recording Absence

- .28 ***Personnel Action Form*** — A Personnel Action (PA) form must be completed to place an employee on leave without pay for an absence for extended illness and must include a remark to this effect. The form is sent to the Staffing Group (HR-5) and is forwarded to ESH-2 for confirmation of the medical justification and approval (*see* [.26](#) and [.27](#)).

**NOTE:** If projected leave without pay is less than 30 calendar days, it is not necessary to complete a PA form. However, if the total time of the absence (including time charged to sick and vacation leave) will be more than 30 calendar days, the group-level manager must

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still advise ESH-2 and seek medical justification and approval.

- .29 ***Group-Level Manager's Responsibility*** — The group-level manager should monitor the employee's progress to make sure that the time and effort report shows the correct codes for each stage of the employee's absence.
- .30 ***During Doctor-Certified Period of Illness*** — While an employee is under a physician's care, the absence for extended illness is charged to accrued sick leave. If the employee realizes that he or she will exhaust the accrued sick leave before being released to return to work, the employee can request, subject to group-level manager approval, to have the continuing absence charged to vacation or leave without pay on the time and effort report. When vacation-leave accruals are depleted, the employee requests group-level manager approval to advance vacation leave. When the advanceable vacation leave is depleted, the group-level manager approves charging continuing absences to leave without pay. This is the usual sequence unless the employee has made other arrangements with HR-1.
- .31 ***After Doctor-Certified Period of Illness Ends*** — If an employee is certified able to return to work by the physician and by ESH-2 before sick leave is exhausted but wishes to remain on leave for an extended period, the policies on use of vacation (see [AM 312](#)) or leave without pay (see [AM 318](#)) govern the approval process. Using sick leave is no longer an option after the employee is certified able to return to work.
- .32 ***Temporary Restrictions or Transfers*** — Any pregnant employee is encouraged to consult with ESH-2 medical staff about work-related health concerns during her pregnancy and to discuss any temporary restrictions or change of work assignment that ESH-2 suggests as medically appropriate; these changes or restrictions are determined on a case-by-case basis in discussion with the appropriate group-level manager. Temporary restrictions or transfers will not result in an economic penalty or a change in employment

**Pregnancy and/or  
Maternity Leave**



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status for the employee. Upon returning from leave, the employee returns to the same position or a position substantially similar to the one held before the temporary transfer.

- .33 ***Length of Leave*** — Before an employee takes maternity leave, she must provide ESH-2 with a statement from her personal physician stating the length of time she is expected to be disabled because of pregnancy and maternity. An ESH-2 physician reviews the statement and approves the length of the leave. Although 6 weeks after delivery is considered a standard recovery period for a normal birth, the disability period may last longer if the employee's personal physician recommends it and ESH-2 approves it.
- .34 ***Use of Leave*** — During the disability period, the employee may use any combination of sick leave, vacation, or leave without pay that is approved by her group-level manager. Using sick leave is no longer an option after the disability period—as certified by ESH-2 in conjunction with her personal physician's recommendation—is over. If the employee does not return to work at this time, she must request either vacation or leave without pay from her group-level manager.

***NOTE:*** Pregnancy- and maternity-related disability may be covered by temporary disability provisions. The employee must contact HR-1 to discuss her temporary disability insurance coverage. Time is reported as leave without pay while the employee is receiving disability benefits.

The employee may be eligible for family and medical leave; see [AM 327](#).

- .35 ***Return to Position*** — ESH-2 must clear the employee before she reports to work. To facilitate her return to work, the employee must supply medical information about her condition from her attending physician. Provided the doctor-certified disability period does not exceed 4 months, an employee on pregnancy- or maternity-related disability leave returns to the same position or one similar to the position held before the leave was

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taken unless business necessity required filling or eliminating it. *See* [.36](#). If the doctor-certified disability leave extends beyond 4 months, the pregnancy and/or maternity disability is treated like any other disability. An employee who does not return to work at the end of the disability period is not guaranteed a return to the same or a similar position. *See also* [AM 318](#).

- .36 ***If Position is Filled or Eliminated*** — If, because of business necessity, the same position has been filled or eliminated, the employee must be placed in a substantially similar position, one with no loss of level, series, or pay. Exceptions to this policy must be approved by the Director of Human Resources (DHR) and Laboratory Counsel (LC).

### FAMILY ILLNESS:

- .37 An employee may, with group-level manager approval, use his or her accrued sick leave when required to be in attendance or to provide care because of illness in his or her immediate family (*see* [.38](#)), up to a limit of 240 hours per calendar leave year. (In some cases, family and medical leave may apply; *see* [AM 327](#).)

**NOTE:** Official holidays that fall during a period of family illness leave are not considered in determining days of leave.

### Immediate Family

- .38 The immediate family includes the spouse, children, parents (or one who has acted in the place of a parent), brother, sister, grandparents, and grandchildren; in-law or step-relatives in the relationships listed above; or any other related person who resides in the employee's household.

### Approval

- .39 The employee's group-level manager must approve a time and effort report showing family illness leave.

### Recording Absence

- .40 Family illness leave is recorded as "SF" on the time and effort report. Family illness leave can only be granted when the employee has enough accrued sick leave to cover the absence and the manager has

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verified the employee has not already exhausted the 240-hour allotment.

### BEREAVEMENT

#### Death in Immediate Family

- .41 When a member of the employee's immediate family (as defined in [.38](#)) dies, the employee, with approval of the group-level manager, may use up to a total of 40 hours of sick leave.
- .42 ***Reporting Attendance Time and Effort*** — Record the employee's absence as "SB" on the time and effort report. SB can only be granted when the employee has enough accrued sick leave to cover the absence and the manager has verified the employee has not already exhausted the 40-hour allotment for that family member.

***NOTE:*** Bereavement leave is not intended to be used for settling the affairs of the deceased family member, or for absences associated with probate or administration of the deceased's estate.

#### Other Death

- .43 With group-level manager approval, an employee can use up to 40 hours of sick leave in any calendar leave year when the employee has a personal obligation for funeral attendance or bereavement in the death of any person outside the immediate family.
- .44 ***Reporting Time and Effort*** — Record the employee's absence as "SP" on the time and effort report. SP can only be granted when the employee has enough accrued sick leave to cover the absence and the manager has verified the employee has not already exhausted the 40-hour allotment.

### TERMINATION FROM SICK-LEAVE STATUS:

- .45 Termination from sick-leave status is permitted. *For policy governing termination for medical reasons, see [AM 113](#).*

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**Sick Leave****UNUSED SICK-LEAVE  
CREDIT:****On Termination**

- .46 Sick leave is not a part of salary, and the accrued balance is not payable on termination; however, accumulated unused sick leave counts toward service credit in the retirement system if the employee retires within four months of the termination date. Contact HR-1 for more information.

**On Transfer in  
Employment Status**

- .47 *Transfer to Ineligible Status* — Sick-leave accruals are carried on an employee's records until termination of employment, even though the employee may have transferred into an employment status in which the employee is not eligible to use or accrue sick leave.
- .48 *Return to Eligible Status* — If an employee later transfers into an employment status in which that employee again is eligible to use and accrue sick leave, unused sick leave previously accrued will be available for use.

**REINSTATEMENT OF  
CREDIT UPON  
REHIRE:**

- .49 When a Laboratory employee is rehired or an employee of another State of California or University of California department is hired, sick-leave credit is reinstated as follows:

When not more than 15 calendar days have elapsed between termination and hire or rehire, sick-leave credits are fully reinstated.

When more than 15 calendar days, but not more than 6 months, have elapsed between termination and hire or rehire, sick-leave credits of up to a maximum of 10 days are reinstated.

When 6 months have elapsed between termination and hire or rehire, sick-leave credits are not reinstated.

When an employee leaves the Laboratory involuntarily as part of a reduction-in-force (RIF) and is reemployed by the Laboratory

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before 9 months have elapsed, sick-leave credits are fully reinstated.